

FARAD CONTINUATION SHEET No.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.**

CRIMINAL WRIT PETITION NO. 2078 OF 2004.

Durga Hotel and Resorts P.Ltd. .. Petitioners.

vs.

Mehta Trading Co. & ors.

.. Respondents.

Office Notes,Office :
Memoranda of Coram, : Court's or Judge's orders
appearnaces,Courts's :
orders or directions :
and Registrar's orders. :

Shri Sachin V. Dhakephalkar for the
petitioners.
Shri A.S. Shitole, A.P.P.for the State.

CORAM: V.M.KANADE,J.
DATED: 28-2-2005.

P.C.:

1. Heard learned Counsel appearing for
the petitioners.

2. This is an application for quashing
issuance of process in a complaint filed
under section 138 of the Negotiable
Instruments Act. It is submitted that no
case is made out from the averments made
in the complaint. It is further submitted
that respondent No.1 has not established
as to who is the authorised signatory of
the alleged cheque. It is further
submitted that it is not established from
the complaint that the petitioners had
given the alleged cheque to respondent
No.1. I am unable to accept any of the

submissions made by the learned Counsel for the petitioners. All these matters can be considered only after evidence is led by the complainant. Therefore, no reason to interfere with the order of issuance of of process. Writ Petition is rejected.

3. The trial Court is directed to decide the criminal case as expeditiously as possible and in any event, within a period of 6 months. Copy of this order be sent to the learned Magistrate.

4. Parties to act on authenticated copy of this order.
